

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 04-46

Introduced by Council President Wagner and Council Members Guthrie, Cassilly, Slutzky and Stepp

Legislative Day No. 04-28 Date November 9, 2004

AN EMERGENCY ACT to add new Subsection A (3) to Section 267-49, Housing for the elderly, of Article VII, Design Standards for Special Developments, of Part 1, Standards, of Chapter 267, Zoning, all of the Harford County Code, as amended; to establish a temporary moratorium on the approval of preliminary plans for housing for the elderly; to establish the duration of the moratorium; and generally relating to housing for the elderly.

By the Council, November 9, 2004

Introduced, read first time, ordered posted and public hearing scheduled

on: December 7, 2004

at: 7:15 p.m.

By Order: Barbara J. Ruth, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on December 7, 2004, and concluded on, December 7, 2004.

Barbara J. Ruth, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

WHEREAS, The County Council amended the Adequate Public Facilities (APF) law to provide that school enrollments only exceed capacity by 105%; and

WHEREAS, The APF law allows an exemption from the school standards for developments built as housing for the elderly; and

WHEREAS, In the County there are currently numerous housing for the elderly developments being constructed; and

WHEREAS, The County Council believes that the issue of what constitutes housing for the elderly and whether this type of development may impact school enrollments needs to be studied to ensure that the current exemption under the APF law is not being used as a means to circumvent the adequacy standards for schools; and

WHEREAS, The Council is concerned that the proliferation of housing for the elderly development may impact school standards by increasing enrollments in areas that are currently over the 105% capacity standard; and

WHEREAS, The Council believes that a temporary moratorium on approval of housing for elderly development proposals is necessary to give the Council adequate time to study this issue.

NOW THEREFORE,

Section 1. Be It Enacted By The County Council of Harford County, Maryland, That new subsection A(3), be, and it is hereby added to Section 267-49, Housing for the elderly, of Article VII, Design Standards for Special Developments, of Part 1, Standards, of Chapter 267, Zoning, all of the Harford County Code, as amended, to read as follows:

Chapter 267. Zoning.

Part 1. Standards.

Article VII. Design Standards for Special Developments.

Section 267-49. Housing for the elderly.

A. Eligibility. Housing for the elderly shall have the following eligibility requirements:

1           (3) THERE IS HEREBY ESTABLISHED A TEMPORARY MORATORIUM ON THE  
2           APPROVAL OF PRELIMINARY PLANS FOR HOUSING FOR THE ELDERLY FOR A  
3           PERIOD OF 90 CALENDAR DAYS.

4   Section 2.   And Be It Further Enacted, that this Act is declared to be an Emergency Act necessary to  
5   provide the County Council sufficient time to study the issue of housing for the elderly and the  
6   exemption for this type of development under the adequate public facilities law for school standards to  
7   ensure that there is not a proliferation of housing units in schools districts that are over capacity which  
8   could result in additional overcrowding in schools and thereby threaten the safety of all the students  
9   attending these schools and this Act shall take effect on the date it becomes law.

EFFECTIVE: December 28, 2004

*The Council Administrator does hereby certify that  
fifteen (15) copies of this Bill are immediately available for  
distribution to the public and the press.*

  
\_\_\_\_\_  
Council Administrator

HARFORD COUNTY BILL NO. 04-46

Brief Title Moratorium – Housing for the Elderly  
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Barbara J. Ruth  
Council Administrator

Date December 7, 2004

**ENROLLED**

Robert S. Hager  
Council President

Date December 7, 2004

**BY THE COUNCIL**

Read the third time.

Passed: LSD 04--30

Failed of Passage: \_\_\_\_\_

By Order

Barbara J. Ruth  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of December, 2004 at 3:00 p.m.

Barbara J. Ruth  
Council Administrator

**BY THE EXECUTIVE**

James M. Harbison  
COUNTY EXECUTIVE

APPROVED: Date 12-28-04

**BY THE COUNCIL**

This Bill No. 04-46, having been approved by the Executive and returned to the Council, becomes law on December 28, 2004

EFFECTIVE DATE: December 28, 2004

Barbara J. Ruth  
Barbara J. Ruth, Council Administrator